

The Chair would like first to advise the Members that the electronic device is not working at this time. A recorded vote will require tellers on either side of the aisle, as the gentleman from Iowa (Mr. Smith) knows.⁽¹²⁾

Does the gentleman from Iowa insist upon his request?

Mr. SMITH of Iowa: Mr. Chairman, I demand tellers.

Tellers were refused (less than 20 Members rising to second the request) so the amendment was rejected.

Later during consideration of the same measure, Mr. Silvio O. Conte, of Massachusetts, offered an amendment on which he subsequently demanded a recorded vote. A sufficient number of Members supporting this demand, the vote was taken by clerks pursuant to the Chairman's discretionary authority in light of the inoperative state of the electronic voting system.

§ 35. Time To Respond on a Vote

When the electronic device is utilized to record a vote, Members are allowed a minimum of 15 minutes to respond; unless the Chair has utilized his authority to cluster and reduce votes to five min-

utes under clause 5(b) of Rule I. It is within the discretion of the Chair, following the expiration of the minimum time, how much longer to leave the voting stations open.⁽¹³⁾

Fifteen-minute Minimum

§ 35.1 The Chair indicated that under the then-existing rules, Members were entitled to a minimum of 12 [now 15]

13. Voting times have been extended by the Chair for a variety of reasons, for instance, where Members are at a meeting at the White House or engaged in some ceremony that has delayed their attendance. In one instance, a recorded vote was left open for over an hour while the leadership on both sides of the aisle were determining the next item to be on the legislative agenda. See Roll Call Number 412, 140 CONG. REC. p. ___, 103d Cong. 2d Sess., Aug. 19, 1994, which remained pending for a total of 73 minutes.

In the 104th Congress, the "customary time" for permitting Members to respond was announced to be "as soon as possible" after the 15 minutes permitted by the rule. Seventeen became accepted as an appropriate maximum time and has since been generally accepted as the norm. The Chair often announces that "this will be a 17-minute vote" when the bells are rung. See 141 CONG. REC. p. ___, 104th Cong. 1st Sess., Feb. 10, 1995.

12. See Rule I clause 5, *House Rules and Manual* § 630a (1995).

minutes to vote on a recorded vote; at the conclusion of that time the Chair ascertains whether Members are in the Chamber who desire to vote before announcing the result.

On Sept. 16, 1971,⁽¹⁴⁾ a recorded teller vote having been ordered on an amendment to a bill (H.R. 1746) concerning equal employment opportunity, clerks took their positions and Members deposited tally cards in the appropriate boxes; and, at the conclusion of the vote, the Chairman⁽¹⁵⁾ stated:

Twelve minutes⁽¹⁶⁾ have expired. Are there any Members in the Chamber who have not voted and wish to vote?

Immediately thereafter, Mr. James G. Fulton, of Pennsylvania, engaged in a brief discussion with the Chair as to the fundamental nature of the time limit, as follows:

MR. FULTON of Pennsylvania: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. FULTON of Pennsylvania: Mr. Chairman, does not the rule explicitly

state that the 12 [now 15] minutes is the minimum? So, there is no 12-minute expiration. Any Member may vote so long as he is in the Chamber before the final report is made; is that not correct?

THE CHAIRMAN: The Chair has so ruled.

Is there any Member in the Chamber who has not voted but who wishes to vote?

MR. FULTON of Pennsylvania: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. FULTON of Pennsylvania: It is definite, then, that there is no maximum time limitation on a record teller vote?

THE CHAIRMAN: Not until the vote is so announced.

Parliamentarian's Note: A recorded teller vote by nonelectronic means having been ordered, the proper procedure for recording or changing votes after the completion of the count, is as follows:

- (1) Members who voted may change their votes by depositing corrected tally cards prior to the Chair's announcement of the result without unanimous consent.
- (2) Members indicating a desire to vote who are in the Chamber and have not been recorded may vote prior to the Chair's announcement of the result, and unanimous consent is not required.

14. 117 CONG. REC. 32111, 92d Cong. 1st Sess.

15. Brock Adams (Wash.).

16. Effective Jan. 3, 1973, the minimum time limit became 15 minutes; see Rule I clause 5, *House Rules and Manual* §630 (1995).

- (3) Members who voted but were incorrectly recorded may change their votes after the Chair's announcement of the result by unanimous consent (and only by unanimous consent) providing no further business has intervened. (The Chair will not entertain a unanimous-consent request to change a vote taken by electronic device.
- (4) Members who have not voted prior to the Chair's announcement of the result may only be recorded as "present" thereafter (before further business intervenes), and may not vote "aye" or "no" even by unanimous consent.⁽¹⁷⁾

Effect of Announcement of the Result

§ 35.2 Pursuant to the rules, Members have a minimum of 15 minutes from the time of the ordering of a recorded vote to be in the Chamber, and Members who are in the Chamber at the expiration of that time will be permitted to vote prior to the announcement of the result by the Chair.

17. For more detail, see § 40, *infra*.

On Oct. 13, 1972,⁽¹⁸⁾ the House adopted a resolution (H. Res. 1123)⁽¹⁹⁾ as amended, which mandated certain prospective changes in House rules for the purpose of introducing an electronic voting system. Among those provisions affected were Rules I, VIII, XV, and XXIII. Pursuant to the resolution's final form upon adoption, the changes were to take effect "immediately before noon on Jan. 3, 1973."⁽²⁰⁾

Whereas Rule I clause 5 previously limited Members to 12 minutes⁽¹⁾ within which to be counted after the naming of tellers with clerks,⁽²⁾ House Resolu-

18. 118 CONG. REC. 36012, 92d Cong. 2d Sess.

19. Significant excerpts from H. Res. 1123 may be found at § 31.1, *supra*.

20. Thus such changes technically became part of the rules of the 92d Congress, without actually being operable during that Congress, and could be incorporated *by reference* as rules of the 93d Congress merely by adopting 92d Congress rules.

1. Rule I clause 5, *House Rules and Manual* § 630 (1971).

2. The phrase, "tellers with clerks," as a parliamentary term of art has been supplanted by the use of the words, "recorded vote." While a recorded vote may certainly be taken, if necessary, by nonelectronic means, the change in the wording tends to underscore the newly streamlined one-step procedure of Rule I clause 5, as amended by H. Res. 1123. For addi-

tion 1123 extended this period to “not less than fifteen minutes to be counted from the ordering of the recorded vote or the ordering of clerks to tell the vote.” Moreover, in accordance with the traditional interpretation of the words, “to be counted,” Members in the Chamber upon the expiration of the minimum time limit are permitted to vote prior to the Chair’s announcement of the result—as the following exchange⁽³⁾ indicates:

MR. [HALE] BOGGS [of Louisiana]: . . . I would just like to ask the gentleman [Mr. Wayne L. Hays, of Ohio] this question: On the time clock over here, does the board automatically go off when the time limit has expired?

MR. HAYS: No, it does not. It does not go off until it is locked out up at the Speaker’s desk.

MR. BOGGS: So that means we now have 1 or, rather, 1½ minutes to vote. May I ask, when it becomes zero, then how long is it open there at the desk?

MR. HAYS: When it comes to zero, the Speaker will bang down his gavel and will say, “All time has expired,” or “Are there any Members in the Chamber who desire to vote?” It is just like we do it now on a teller vote. If there are any who desire to vote, he will give them a minute or two more to do so, and then he will lock the machine out, and that is the end of it.⁽⁴⁾

tional details as to this change, see §31.1 and §17, *supra*.

3. 118 CONG. REC. 36006, 92d Cong. 2d Sess.
4. It should be noted that the “locking out” of the system—the termination

§ 35.3 It is the responsibility of the Chair at the expiration of 12 [now 15] minutes to ascertain whether Members are in the Chamber who desire to vote on a recorded vote before announcing the result; but Members may not be recorded thereafter even by unanimous consent.

On Sept. 30, 1971,⁽⁵⁾ the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 10351) to provide for the continuation of programs authorized under the Economic Opportunities Act of 1964, and for other purposes. In the course of the bill’s consideration, Mr. Carl D. Perkins, of Kentucky, offered an amendment to an amendment previously offered by Mr. John Brademas, of Indiana.

Following debate, the Chair⁽⁶⁾ put the question, and, tellers with

of the electronic vote—does not actually preclude a Member from casting or changing a vote prior to the Chair’s announcement of the result. While the electronic system itself will no longer record a vote after the system is closed down, Members may still change or cast their votes by entering the well and depositing with the Clerk a card intended for such use. Thus, the critical cutoff point remains the Chair’s announcement of the result.

5. 117 CONG. REC. 34270, 34284, 34290, 34291, 92d Cong. 1st Sess.
6. John J. Rooney (N.Y.).

clerks having been ordered, there were—ayes 226, noes 158, not voting 48. The Chairman then announced that the amendment to the amendment was agreed to. Immediately thereafter, the following exchange took place:

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I was in the Chamber before the Chair announced the vote. Is it too late to cast my vote?

THE CHAIRMAN: It is now too late since the vote has been announced.

MR. LATTA: Well, Mr. Chairman, had I been here I would have voted “no.”

MRS. [MARGARET M.] HECKLER of Massachusetts: Mr. Chairman, I wish to state that had I been present I would have voted “aye.”

Mr. Latta and Mrs. Heckler were officially recorded as “not voting.”

§ 35.4 It is too late for a Member to cast a recorded vote after the Chair has announced the result of the vote.

On May 12, 1971,⁽⁷⁾ a recorded teller vote (with Member tellers) having been taken on an amendment to a bill (H.R. 8190) providing for supplemental appropriations for the fiscal year ending June 30, 1971, the Chairman⁽⁸⁾ himself having voted by sending a

7. 117 CONG. REC. 14584, 14585, 92d Cong. 1st Sess.

8. Wayne N. Aspinall (Colo.).

signed tally card to the appropriate tellers, then announced that the amendment was agreed to by a vote of 201–195. Immediately thereafter, the following exchange transpired:

MR. [WILLIAM J.] GREEN of Pennsylvania: Mr. Chairman, I vote “no.”

THE CHAIRMAN: The Chair will state to the gentleman from Pennsylvania that his vote comes too late. The Chair has announced the vote by tellers with clerks.

MR. GREEN of Pennsylvania: Mr. Chairman, I was here before, and I had my hand up before the Chair announced the vote. I was trying to be recognized.

THE CHAIRMAN: The Chair will state to the gentleman from Pennsylvania that the gentleman cannot be recorded as voting “no.”

§ 35.5 It is too late for a Member to vote on a recorded vote after the Chair has announced the result, although that Member states that he was in the Chamber prior to the announcement.

On Sept. 30, 1971,⁽⁹⁾ during consideration of a bill (H.R. 10351) to provide for a continuation of programs authorized under the Economic Opportunity Act of 1964 in the Committee of the Whole, a recorded teller vote was ordered on an amendment, the vote was

9. 117 CONG. REC. 34291, 92d Cong. 1st Sess.

taken and the Chair announced the result.

Immediately thereafter, the following exchange transpired:

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I was in the Chamber before the Chair announced the vote. Is it too late to cast my vote?

THE CHAIRMAN:⁽¹⁰⁾ It is now too late since the vote has been announced.

§ 36. Casting Votes After the Roll Call; Effect of Announcement of Result

In General

§ 36.1 A Member may not be recorded on a yea and nay vote after the result of the vote has been announced.

On Mar. 29, 1962,⁽¹¹⁾ after a roll call vote on a bill (H.R. 10650) to amend the Internal Revenue Code of 1954, Mr. Carroll D. Kearns, of Pennsylvania, rose to address the Chair with the following statement:

MR. KEARNS: Mr. Speaker, I was standing behind the rail eulogizing our great Speaker after Drew Pearson's article about him. I was here and qualify and vote "no" on the last vote.

THE SPEAKER:⁽¹²⁾ The Chair regrets that the gentleman cannot be recorded

after the vote has been announced. The gentleman can state for the Record that he would have voted "no."⁽¹³⁾

Effect of Presence in Chamber

§ 36.2 A Member who is present in the Chamber but fails to cast his vote cannot be recorded after the announcement of the result.

On July 18, 1967,⁽¹⁴⁾ after a roll call vote on a bill (H.R. 11456) making appropriations for the Department of Transportation, Mr. William L. Scott, of Virginia, rose and addressed the Chair as follows:

MR. SCOTT: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹⁵⁾ The gentleman will state it.

MR. SCOTT: Mr. Speaker, I was here when the vote was taken on the final passage of the bill appropriating funds for the Department of Transportation, and I intended to vote "yea" on that bill.

Frankly, Mr. Speaker, I am not sure I voted. My vote is not recorded.

Can I at this time, having been present on the floor, cast my vote in the affirmative?

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman he cannot do that, since the result on the vote has already been announced.

10. John J. Rooney (N.Y.).

11. 108 CONG. REC. 5432, 5438, 87th Cong. 2d Sess.

12. John W. McCormack (Mass.).

13. See also 87 CONG. REC. 7075, 77th Cong. 1st Sess., Aug. 12, 1941.

14. 113 CONG. REC. 19274, 19300, 90th Cong. 1st Sess.

15. Carl Albert (Okla.).